

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

June 18, 2002

**SUBJECT:**

Exploratory Application for Planned Residential  
Unit PRU2001-00020

Applicant: Wycliffe L.C. (Elm Street  
Development Corp.) 6820 Elm  
Street, # 200 McLean, VA, 22101

Owner: same

Date Filed: December 12, 2001

Location: 512, 520, 522 West Montgomery  
Avenue, adjacent to The Washington  
Waldorf School Property (Chestnut  
Lodge).



*Location*

**PROLOGUE:**

This staff report reflects an analysis of a plan for this application that is referred to as the June 5<sup>th</sup> plan. The June 5<sup>th</sup> plan was prepared by the applicant to address guidance given by the Mayor and Council through various reviews of this project. The last such review, May 18, 2002 was the Discussion and Instructions to staff phase of the review process. The applicant presented a plan, which was subsequently modified slightly to become the June 5<sup>th</sup> plan, which is based on Mayor and Council direction.

That direction included:

- A staff review of the plan presented to the Mayor and Council on May 18<sup>th</sup> (as amended by the June 5<sup>th</sup> plan)
- A new public hearing on the request.
- Review by the Planning Commission, with comments to be provided to the Mayor and Council.

Various changes have been made to the original March 22<sup>nd</sup> plan that was the subject of the Public Hearing. As this proposal has been reviewed and amended, the balance between competing objectives have changed as well. Among the major competing objectives being balanced are:

- Tree protection and stormwater management.
- Tree protection and a sidewalk on the west side of the street

- Park size and minimum lot size/maximum lot coverage
- Lot coverage limitation and the ability to provide buffers in HOA ownership
- On-site forest retention and a combination of on-site and off-site planting
- The number of houses/lot sizes and compatibility with surrounding neighborhood.

The various plans have balanced these objectives differently. The Planning Commission will review this latest plan to provide comments on the plan's compliance with the mayor and Council's directions.

### **REQUEST:**

The applicant is seeking a Planned Residential Unit (PRU) approval for 13 lots on the former Buckingham property site. This Staff Report is based on the Applicant's current submittal (June 5<sup>th</sup> Plan), which is also referenced as "Exhibit A." This plan reflects a modification to the previous plan (March 22<sup>nd</sup>), which was reviewed by the Planning Commission. Comments from the Planning Commission were forwarded to the Mayor and Council, who held a Public Hearing on March 18, 2002. As a result of that Public Hearing, certain recommendations were made regarding the application, including a reduction in the number of lots and modifications to the setbacks and lot coverages.

During the Mayor and Council's Discussion and Instructions to staff phase of the application, the applicant presented an amended version of the March 22<sup>nd</sup> plan that is similar to the subject of this amended request, which is referred to as the June 5<sup>th</sup> plan.

There are significant differences between the June 5<sup>th</sup> plan and the March 22<sup>nd</sup> submittal based on the direction of the Mayor and Council's action and review of the Master Plan. The original submittal is attached for comparison. During the discussion of the Master Plan final draft the Mayor and Council provided the following direction to staff, and reiterated this position during the Public Hearing:

1. That a maximum of ten residential units be permitted on the former Buckingham property, with an additional unit possible on the Baker and Yates property, for a total of 13 units (11 new units);
2. That development standards from the R-90 Zone be employed, including the 9,000 square feet minimum lot size, 25 percent maximum lot coverage and the building setbacks (30 front, 11 side, 25 rear);
3. That green buffer areas be provided along the south, east and west property boundaries;
4. On site tree protection;
5. That the West Montgomery Avenue Historic District be extended across the frontage of the property to include the West Montgomery Avenue streetscape, and that all of the new structures would be reviewed by the Historic District Commission:

The following table shows the relevant issues regarding the proposal, changes reflected on the current plan and a comparison with the original plan.

ISSUE	CURRENT (JUNE 5 <sup>th</sup> )	MARCH 22 <sup>ND</sup> PUBLIC HEARING SUBMITTAL
Number of lots	10 Buckingham, 3 Baker and Yates 13 total	14 Buckingham 3 Baker and Yates 17 total
Setbacks	R-90 Standards (30 front, 11 sides, 25 rear)	Amended – (10 foot front, 6 foot side, 7-18 foot rear)
Lot coverage	25%	± 40% - ± 65%
Lot size	12,000 square foot minimum	Average of 8,761 square feet
Roadway	Amended, 50-foot right-of-way closed section (curb and gutter) “T” turnaround and street parking	Amended, variable width right-of-way with various parking locations, partial open section on one side.
Alley Access	No	Yes
Tree save /open space area	± .45 acres	± .78 acres
Bioretention areas	Yes	Yes
HOA buffering from adjacent neighborhoods	No	Yes

#### PREVIOUS RELATED ACTIONS:

- PRU2001-00020, Exploratory Plan Application reviewed by the Planning Commission, with comments and recommendation of approval transmitted to the Mayor and Council, March 6, 2002.
- PRU2001-00020, Exploratory Plan Application reviewed by the Mayor and Council during Public Hearing, March 18, 2002.
- PRU2001-00020, Exploratory Plan Application reviewed by the Mayor and Council during the D & I phase, May 13, 2002.

#### ANALYSIS:

##### Background

The Applicant has applied for a Planned Residential Unit (PRU) special development procedure for the subject property. The Zoning Ordinance contains a number of special development procedures that are intended to provide a flexible approach to the development of property within certain zones. Such flexibility encourages designs of residential development that maintain compatible densities as adjacent neighborhoods, while preserving open spaces or natural features. Consistent densities are attained by the use of flexible development standards, such as lot coverage and setbacks. Other

special development procedures also include the Residential Townhouse, Variable Lot Size and Cluster Development.

Review of the PRU application occurs in two stages. The first phase is the Exploratory Phase, which sets key parameters for the development, such as maximum densities, general street layout, development standards (setback, height, etc), basic design characteristics, and the location of open space preservation areas. The Planning Commission forwards a recommendation to the Mayor and Council, who review and ultimately approve or deny the Exploratory Application. Upon approval, the applicant must apply for the second phase of a PRU review, which is the Detailed Stage.

The Detailed stage occurs by the Applicant applying for a Detailed Application, which is reviewed and ultimately approved or denied by the Planning Commission. The Detailed Application includes more comprehensive and detailed information about the project. Some of these items would include a comprehensive landscaping plan, open space amenities, final street layouts, final locations of stormwater management facilities, utility plans, specific site grading, architectural design guidelines and legal documents for the conveyance and maintenance of public and private open space.

The Historic District Commission (HDC) reviewed the existing buildings on the Buckingham property in 1998 and recommended preservation of trees along West Montgomery Avenue in addition to the trees on the interior of the site. The HDC is currently reviewing the entire property for historic designation at the direction of the Mayor and Council.

The retention of the existing trees along West Montgomery Avenue is not recommended due to the need to construct a road to access the property, provide safe site distance, and the need to provide for a public utility easement. These practical considerations limit the number of the existing trees along West Montgomery Avenue that could be retained, regardless of the setbacks for the proposed houses. Numerous citizens and the Mayor and Council expressed a different view at the public hearing, suggesting that an attempt be made to save as many trees along the West Montgomery Avenue frontage as possible. Staff found that the trees located on the site of the proposed public park are healthier, older, and more substantial.

### **Purpose and Intent of the Planned Residential Unit (PRU)**

As previously stated, the PRU is one of a number of special development procedures available within certain zones of the City. As stated in Section 25-486 of the Ordinance, “ingenuity, imagination and design efforts on the part of architects, site planners and developers can produce developments which are in keeping with the overall land use intensity and open space objectives of this chapter while departing from strict application of use, setback, height and minimum lot size requirements of this chapter.”

The intent of special development procedures, as outlined within the Ordinance includes:

- Promote a creative approach to the development of land.
- Accomplish a more desirable environment than would be possible through strict application of the requirements of this chapter.
- Promote the efficient use of land, which will result in smaller networks of utilities and streets and resultant lower housing costs.

- Enhance the appearance and value of neighborhoods through the preservation of natural features. And the provision of recreation areas and open space in addition to existing zoning, subdivision and Plan requirements.
- Provide a cohesive neighborhood environment for development compatible with existing neighborhood patterns.

### **Property Description**

The subject of this application is a 5.35-acre tract of land composed of three properties located on West Montgomery Avenue, directly between a portion of the former Chestnut Lodge site, and six lots of the Roxboro neighborhood. The Washington Waldorf School currently owns the Chestnut Lodge site. The portion of the Chestnut Lodge site adjacent to this application is a wooded area that is part of the West Montgomery Avenue Historic District. In addition, one of the proposed lots that are part of this application is adjacent to Lot 7, Block H of the Rose Hill subdivision. The entire subject tract with this application is zoned R-S, Suburban Residential.

The largest of the three properties that make up this application is approximately four acres, and is the closest property to West Montgomery Avenue. The other two properties to the rear of the tract make up the balance of the site. Of these two parcels, the parcel farthest to the west is approximately 28,488 square feet and the property to the east is approximately 25,657 square feet.

The subject tract is relatively flat, with a low area directly adjacent to western property boundary, adjacent to Lot 16 of the Roxboro neighborhood. In addition, there is a storm drain outfall and ephemeral stream area that runs parallel to West Montgomery Avenue that drains the Chestnut Lodge site. There is also a large stand of significant trees in the general vicinity of the middle of the property, adjacent to the western boundary of the property.

### **History**

The tract that is the subject of this application has been referred to as “The Buckingham property.” That is because for many years Dr. Buckingham, a prominent veterinarian, occupied the property. A sign on the property near the West Montgomery Avenue driveway says “Thirty Oaks,” which was a direct reference to some of the significant trees on the property.

The two properties to the rear are referred to as the Baker and Yates properties. The owners of these two properties will continue to own the existing homes, although both properties are proposed to be subdivided as part of this application.

### **Proposal**

The Applicant is proposing to utilize the Planned Residential Unit special development procedure to create a 13-unit subdivision on the subject tract. The tract currently contains three homes, and the net increase for the entire project is 10 homes. The existing Baker and Yates homes will remain. The Buckingham home will be demolished and 11 new single-family detached houses will be constructed. Most of the houses will be centered on a  $\pm$ .45 acre proposed public park that will be dedicated to the City of Rockville in order to preserve a significant stand of specimen trees.

The new neighborhood will have one street access point and one driveway on West Montgomery Avenue, currently shown on Exhibit 1 as "Street A." Street A will be the main road of the development, and will run towards the back of the property, where it will create a "T" that provides access to the Baker and Yates houses that will remain as part of this proposal. It will also provide a turn around.

The new road section will be 26 feet wide with an 18-foot wide section adjacent to the proposed park. The road is slightly narrower in front of the park in order to help improve environmental protection and provide better protection for the trees that will remain. While required parking is now provided in the form of garages and driveways facing and accessing the main street (alleys have been eliminated), the modified road design provides approximately \_\_\_\_ on-street parking spaces for guests and visitors.

The Applicant is providing a  $\pm$ .45-acre open space parcel. This parcel will be directly adjacent to four of the six adjacent Roxboro lots, and will be dedicated to the City of Rockville as a park. Currently, there are no plans for a path through the park with this amended plan.

### **Development Standards**

As permitted in the Zoning Ordinance under the regulations relating to the Planned Residential Unit developments, development standards may be waived as part of the approval process. The Applicant has proposed, through the request of the Mayor and Council, that the development standards be consistent with R-90 requirements. These standards include 30-foot front yard setbacks, 11-foot side yard setbacks and 30-foot rear yard setbacks. In addition, lot coverage will be limited to 25% and the height will be 35 feet, which is also consistent with R-90 zoning standards. The only variation to this standard will be the two houses that front on West Montgomery Avenue that also have frontage on Street A. The applicant is requesting that the setback from Street A be 11 feet instead of the required 30 feet for a corner lot, which is consistent with mayor and Council direction.

### **STAFF RECOMMENDATION:**

Approval is recommended, subject to the following conditions:

1. Submission, for approval by the Chief of Planning, of eleven (11) copies of the site plan, revised according to Planning Commission Exhibit A.
2. Submission, for approval by the Department of Public Works (DPW), of the following detailed plans, studies and computations:
  - a. Detailed Stormwater Management Plan, including required easements and maintenance agreements.
  - b. Sediment Control Plan
  - c. Public improvements including sanitary sewer, water, storm drain and paving, sidewalks, lighting and street trees
  - d. Any private improvements used by the public.

3. Post bonds and obtain permits from City of Rockville DPW.
4. Post bonds and obtain necessary permits from Maryland State Highway Administration.
5. Submit for review and approval a Request for Regional Participation in the Stormwater Management Fund for quantity control and partial quality. Request will be presented to Mayor and Council concurrent with PRU.
6. Provide easements to City for all public storm drainage systems and public sanitary sewer systems not in City right-of-way.
7. Forestry credit is not permitted in City utility easement areas or on private lots.
8. A revised Forest Conservation Plan (FCP) will be required.
9. All residential lots shall contain three trees per lot as required by the Subdivision Ordinance. Required street trees may not be used to meet this requirement.
10. Landscaping plans for bioretention must be compatible with attractive streetscaping. HOA documentation will be required to contain information on function of bioretention facilities, standards for maintenance of landscaping and an appropriate species planting list.
11. The Applicant or their representatives shall clearly identify for prospective homeowners sections in the HOA documents that relate to how HOA and City open spaces will be managed.
12. Appropriate signage indicating the nature of open space shall be reviewed as part of the Detailed Application.
13. The bioretention areas will be maintained by the HOA, regardless of their location.
14. The Planning Commission and the Historic District Commission shall review and approve the architecture of the buildings at the time of Detailed Application.
15. That there be no accessory buildings allowed in the rear yards of any house adjacent to the Roxboro neighborhood that are closer than 15 feet to the shared property line. In the case of the house that fronts on West Montgomery Avenue and is adjacent to Roxboro, no accessory building may come to within 15 feet of the side property line. This restriction shall be documented on the plats as a Building Restriction Line (BRL).

## **TRANSPORTATION**

### **Internal Roadway**

The modified street section of "Street A" accomplishes the goal of providing bio retention along the edges. The road section proposed as part of this application, and shown as staff comments on Exhibit "A," is still a modification to City standards, and requires a waiver of the road code. It should be noted that the current section is more consistent with City standards than the previous submittal.

### **Traffic**

This application does not trigger any traffic-related improvements, and has a minimal impact on overall traffic in the area.

### **Parking**

All required parking is provided in the form of garage spaces with additional spaces provided in private driveways. The Ordinance requires 26 parking spaces, and 52 spaces will be provided on residential lots (two in the garage, two in the driveways). Additional parking will be provided on the street.

### **Pedestrian Access**

There is a sidewalk on the east side of Street A that provides access to West Montgomery Avenue. Although it is City policy to provide sidewalks on both sides of new streets, a sidewalk on the west side would negatively impact the bioretention areas and tree save area. Staff feels that elimination of the sidewalk on this side of the street is acceptable given the limited umber of holuses served by this sidewalk.

## **STORMWATER MANAGEMENT**

The approved Stormwater Management (SWM) concept plan is consistent with and is based on the latest Maryland Department of the Environment's (MDE) regulations and guidelines as detailed in the 2000 Maryland Stormwater Design Manual. The site is located in the eastern headwaters of the Watts Branch watershed where a majority of the contributory drainage area is developed. City staff worked closely with the Applicant to design a roadway section that benefited the stormwater management system. A curvilinear road layout created spaces for the bioretention facilities and additional trees.

Water quantity management, such as a stormwater pond, is not feasible for this site due to the existing topography and the proximity to adjacent homes. Typically, quantity storage facilities are located at the lowest portion of a site. In this case, the low point is adjacent Lot 16 of the Roxboro subdivision at the end of Brent Road, adjacent to the proposed forest conservation area. Given the proximity to Lot 16 of Roxboro and the current drainage patterns through that lot, a SWM pond is less desirable than improving the drainage pattern by conveying stormwater through a pipe past this lot and into the existing storm drain system in Brent Road. In addition, a SWM pond would reduce



the number of trees that could be saved on the site, as well as being a safety concern located near the existing residence. The plan presented to the Mayor and Council during on May 18, 2002 showed a stormwater management facility adjacent to Lot 16 of Roxboro. However, staff worked with the applicant to provide a more acceptable water quality facility.

Water quality treatment for this development will be accomplished with bioretention facilities. The bioretention facilities have been incorporated into the curvature of the roadway design and treat almost 60% of the site. The bioretention facilities provide benefits such as increased landscaping, a more naturalized transition from the roadway to the forested open space, the ability to maintain the hydrology of the tress in the open space. Structural water control methods cannot be applied to the rear portions of the lots, and the applicant is requesting regional participation for the portion not treated on-site.

A request for Regional Participation in the Stormwater Management Fund is being processed to provide for water quantity control, as well as partial control. The request will be presented to the Mayor and Council for approval concurrent with this PRU application.

A Safe Conveyance study has been submitted and approved based on the March 7 plan. The majority of the drainage from this site enters a storm sewer system located in Brent Road. It then flows along Calvert Road to an outfall at the end of Calvert Road into an unnamed tributary of Watts Branch. This storm drain system will be analyzed as part of the Detailed Application stage to determine the need to upgrade the pipe capacity.

Currently there is runoff that is conveyed overland through Lots 2 and 3 of Roxboro (along Calvert Road). The Applicant will be required to demonstrate at the Detailed Application stage that there will be no increase in runoff across Lots 2 and 3 of Roxboro.

A 100-year Flowpath Analysis has been submitted and approved. A 9.5-acre drainage area flows overland from the East through the Washington Waldorf School (Chestnut Lodge) property. The development's grading has been proposed to allow the 100-year flow from the off-site and on-site areas to pass safely through the site. The flowpath of this storm through this site will not adversely affect the proposed residences or the adjacent neighborhood.

### **City Utilities**

Adequate City utilities are available for this development. Water supply is available from a six-inch main located in West Montgomery Avenue. The sanitary sewer system will connect to the eight-inch public system located on Brent Road. As mentioned earlier, the storm drain system will connect at the end of Brent Road. The public portions of these proposed systems will be installed by the developer and once accepted will be maintained by the City. The portions of the public system not located in the City right-of-way will be placed in an appropriate utility easement.

## **ENVIRONMENT, FOREST CONSERVATION AND PARKS**

### **Existing Site Conditions**

This application is in conformance with the City's Environmental Guidelines and Forest and Tree Preservation Ordinance. The application provides better protection for the stand of mature trees than a standard subdivision design, although to a lesser extent than the March 22<sup>nd</sup> plan. The referenced property is located in the upper drainage area of the Watts Branch watershed. Significant environmental features on the site consist of a large stand of mature trees recommended to be retained in public parkland. Nineteen of the trees in the existing stand measure 30" or more in diameter and a significant number are estimated to be between 150 and 200 years old. This represents a significant natural resource for the City. Most of the trees are in good health and, with adequate protection, are expected to live for many years to come.

The historical drainage pattern in this area has been altered by previous development, and now consists of storm drain pipes that convey stormflow from the north and along West Montgomery Avenue to an outfall on the northwest portion of this site. An ephemeral channel (water flow in direct response to rainfall) exists from the storm drain outfall to the western edge of the site where the channel re-enters the storm drain network that exists in the Brent Road right-of-way. Overland flowpaths cross the site from adjacent property in generally an east to west direction. No wetlands, stream buffers or 100-yr floodplains exist on this site. The approval of the NRI/FSD by City Staff is pending at this time, and is a condition of approval.

The application includes a Preliminary Forest Conservation Plan (PFCP) that proposes to satisfy requirements on-site through the retention of a significant area of the mature trees along with on-site tree replacement and landscaping. The tree preserve area will be planted with understory tree species to provide a naturalized forest area that will also provide additional screening.

### **City Parks**

Staff believes that the public park provided as part of this application will provide a significant amenity for the residents of all adjacent neighborhoods, and provide public protection for the stand of significant trees.

### **BUFFERS**

The Mayor and Council recommended the provision of buffering on three sides of development. The applicant has stated that in order to make this project economically viable given the reduced number of units, increased setbacks and 25% lot coverage, they must maintain a minimum of 12,000 square-foot lot size. This precludes adding an HOA buffer strip along the periphery of the property if a contiguous area of City-owned parkland is to be attained. As noted above, staff has indicated a condition of approval that limits how close accessory buildings can come to the property line adjacent to the homes of Roxboro.

The limiting of accessory buildings within the rear yard and the associated setbacks of the houses (25 foot rear and in one case an 11-foot side) will have a mitigating impact. It is NOT recommended that

landscape buffers or conservation easements be placed on private property. Experience has shown that they are not manageable or practical.

## **STAFF COMMENTS**

The master plan recommendations (both existing and pending) contain direction to balance a number of competing objectives. In addition, the PRU process provides flexibility in design. As this proposal has been reviewed and amended, the balance between the competing objectives has changed as well. Among the major competing objectives being balanced are: tree protection and stormwater management; tree protection and a sidewalk on the west side of the street; park size and minimum lot size/maximum lot coverage; lot coverage limitation and the ability to provide buffers in HOA ownership; on-site forest retention and a combination of on-site and off-site planting; and the number of houses/lot sizes and compatibility with surrounding neighborhood. The various plans have balanced these objectives differently. The Mayor and Council's direction on these items was provided during discussions of the Master Plan as well as during the review of this PRU.

A request was made of Staff and the Planning Commission to review the amended March 22<sup>nd</sup> plan that the applicant presented at the Council meeting of May 18, 2002. The subject of this report, the June 5<sup>th</sup> plan, (which is a slightly modified plan from the presentation of May 18), is based on the Mayor and Council's guidance. The staff analysis focused on the technical requirements and the ability to meet the objectives of the Mayor and Council. Staff finds that the overall plan meets the technical requirements for a PRU and generally complies with the Mayor and Council's direction.

## **CONCLUSION**

The June 5<sup>th</sup> plan reflects the applicant's response to address the comments of the Mayor and Council during the review of this project. While significantly different from the original submittal, it does represent a PRU that protects the significant natural feature of the site; the mature stand of trees that are to be dedicated to the city. In addition, this plan affords a higher level of environmental protection through the use of bioretention areas adjacent to the modified road section than a typical subdivision. Many aspects of the plan regarding the Mayor and Council's direction have been addressed, including the number of units, setbacks, and lot size.

## **NOTIFICATION**

Notices have been sent to 595 individuals regarding this project, as well as the President of the West End Civic Association.